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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,576	12/22/2000	Steven G. Smarsh	TRUTECH-P-30	3553

7590

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EXAMINER

MORGAN, EILEEN P

ART UNIT PAPER NUMBER

3723

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/720,576	SMARSH ET AL.	
	Examiner	Art Unit	
	Eileen P. Morgan	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-11 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,9,10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,4,6-8 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 112**

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3,4,6-8,11 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not clearly describe how the claimed invention works. Namely, how a 'new program is written.' The computer program is initially written and based on inputted values, the grinding apparatus performs a given process, but this is not writing a new program. There is insufficient description and method steps that define this function and how it is obtained. In addition, there is no support for dressing the blade which is a claimed alternative and this is deemed new matter.

2. Claims 3,4,6-8,11 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not clearly describe how the claimed invention works. Namely, how a 'new program is written.' The computer program is initially written and based on inputted values, the grinding apparatus

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performs a given process, but this is not writing a new program. There is insufficient description and method steps that define this function and how it is obtained. In addition, there is no support for dressing the blade which is a claimed alternative and this is deemed new matter.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3,4,6-8, 11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims do not clearly describe how the invention works. Namely, how a 'new program is written.' The computer program is initially written and based on inputted values, the grinding apparatus performs a given process, but this is not writing a new program. There are insufficient description and method steps that define this function and how it is obtained. In addition, there is no support for this new program being written for the now claimed dressing operation and this is deemed new matter. Also, there is no support for dressing the blade which is a claimed alternative and this is deemed new matter, as well. Also, Claims 3,6 the input value, which is a variable, in the display window, which is chosen and accepted by user, corresponds to a numerically controlled pattern of dressing, how then is a new program written? The pattern has already been corresponded to a certain input value. This is unclear and confusing. Claim 11 is totally unclear and does not make sense. Does the computer screen 'enable the creation of a new program'? Through the use of display windows? How is a new program created from a previous program? Why is a new program needed?

Cls. 3 and 11, 'means for displaying a computer screen on a monitor selecting an icon...' is unclear. Does the monitor select an icon? Is this a method step? The addition of 'means for setting two grinding axes' and 'means for initiating a grinding operation' are unclear. What grinding axes? Of the grinding wheel during dressing? Or of the dressing wheel during dressing? What does initiating 'coolant' or 'cycles' mean? Coolant of what? Cycles of what? This is totally unclear.

#### **Claim Rejections - 35 USC § 102**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language.

6. Claims 3,4,6-8, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Maack-5,766,057.

Maack discloses a centerless grinding machine with wheel dressers, wherein the dressing process is carried out by a CNC or PLC (15) which has input means, display means, and compilation means for carrying out intended program based on the input, which is a 'new' program as broadly recited dependent on input parameter.

### ***Response to Arguments***

Applicant's arguments filed 5-20-05 have been fully considered but they are not persuasive. Applicant alleges that the 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraph rejections were overcome by the amendment. However, the amendment merely adds additional confusing language and does not overcome the previous rejections, nor were the rejections even addressed. For instance, there is a new matter rejection regarding 'dressing the blade' which has no support in the specification. This was neither taken out or addressed. On pages 8 and 9, Applicant addresses 'differences' between the Maack apparatus and the instant invention. Applicant goes into detail about the structural, functional and electronically based differences. However, these arguments are not germane to the issues at hand regarding the claimed computer program and computer. It is still not understood how a 'new program' is written. The program is already written with an input for a variable which dictates certain parameters of dressing within the 'pre-written program'.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eileen P Morgan whose telephone number is 571.272.4488. The examiner can normally be reached on Tuesday-Thursday (Office), Friday (Work at home).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571.272.4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EM  
August 8, 2005



EILEEN P. MORGAN  
PRIMARY EXAMINER